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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/418,029	10/14/1999	LAP CHAN	CS99-120	8308

28112 7590 11/15/2002

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EXAMINER

RAO, SHRINIVAS H

ART UNIT	PAPER NUMBER
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2814

DATE MAILED: 11/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/418,029

Applicant(s)

CHAN ET AL.

Examiner

Steven H. Rao

Art Unit

2814

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 November 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-14, & 16-24

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s).
10. ☒ Other: see continuation sheet.

Wael Alkhamis
SUPERVISOR
TECHNOLOGY CENTER 2

Continuation of 2. NOTE: Applicants' arguments are basically a restatement of the previous arguments that were previously not found persuasive and are also not found persuasive here. The Examiner submits that there is no discrepancy when the Examiner referred to "Katoh in fig. 2(d) etc. col. 5, lines 29-40 states" because the etc. was specifically added to include other figures and the lines reproduced specifically deal with figure 2(d). Applicants' next contention that Ito figs. 7(a) and (b) are not identical to figure 8(a) of the present invention is not persuasive because it the structural elements of the devices shown therein is at issue and not the view/ dimension shown in Ito's figures. Applicants' next contention that their specification describes "leaving a network of trenches that are filled with air in the two layers of dielectric that now function as the Inter Level Dielectric" is not persuasive because what is stated in the specification cannot from the basis of patentably distinguishing the instant application from the applied prior art. Applicants' next contention that the applied art does not disclose "the creation of a compound layer of dielectric" is not persuasive because the "compound layer of dielectric is not presently recited in the claims. Applicants' next contention Katoh and Ito does not teach the six things listed on pages 9-10 of the response it not persuasive because the same points were dealt with at length in the previous rejection and are incorporated here by reference. Applicants' listing of the differences between Katoh in view of Ito and the instant invention is not persuasive because Applicants' are individually attacking the references whereas the rejection is based on the combined teachings of Katoh and Ito. Applicants' other contentions are a repetition of the issues previously addressed and the previous Examiner's answer thereto is incorporated here by reference.

SR
11/12/02